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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,240	04/09/2004	Noel C. Cobb	0075-1	1744

25901 7590 01/18/2007
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EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/822,240	COBB ET AL.	
	Examiner	Art Unit	
	Jason Prone	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,5,7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4,5,7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

It is noted that the amendments to the paragraph-spanning page 14 line 16 to page 15 line 2 of the specification and claims 4 and 5 do not constitute new matter. Using page 11 of applicant's remarks (in the response filed 11/13/06) or any other protractor, it is old and well known that each portion of the protractor incorporates 2 different angles. In this case applicant amended the ranges to incorporate the other of the two angles. It is not new matter because, for example, the angle of 10 degrees inherently could be considered 170 degrees at the same time.

Claim Objections

1. Claims 2, 4, and 5 are objected to because of the following informalities: In claim 2, line 1 of section "b", the phrase "for supporting the blade in a transversely angulated position" should be replaced with "for supporting the blade".

The ranges in claims 4 and 5 are "about 100 degrees to about 170 degrees" and "about 135 degrees to about 150 degrees" respectively. However, there is no support for these ranges in the specification. The specification discloses "100 degrees to 170 degrees" and "135 degrees to 150 degrees". 99 degrees is about 100 degrees but does not fall within the range supported by the specification that does not incorporate the "about". The "about" must be added to the specification or the "about" must be deleted from the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 4, 5, 7, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seltzer, Jr. (5,174,028) in view of Joanis et al. (3,845,554) and Burchell (6,321,455)

In regards to claim 2, Seltzer, Jr. discloses the same invention including a reversible detachable blade having a sharp edge (16), a two-piece handle (22d and 30d in Figure 6A) for supporting the blade in a transversely angulated position (Figs. 6A and 7), the handle comprising a one-piece left side member (30d) and a one-piece right side member (22d), wherein the left side member is removably attached to the right side member to create the handle (Fig. 6A), the handle including a gripping portion (62) and a blade supporting portion (24d), the gripping portion is angulated with respect to the blade and the blade supporting portion (62 and Fig. 6A), a locating means disposed within the blade supporting portion for capturing the knife (inner portions of 22d and 30d), channel means disposed within the blade supporting portion for containing and supporting the blade in a vertical plane (Fig. 7), a clamping means for clamping the left and right side members and supporting the knife blade in a horizontal plane (20), a cavity for holding extra knife elements (36), the user may expose a fresh edge of the blade by replacing the blade with a new blade from the cavity (36).

However, Seltzer, Jr. fails to disclose the blade has a plurality of anchoring holes and the gripping portion is angulated with respect to the blade and the blade supporting portion when viewed in the plane defined by the blade.

Joanis et al. teaches that it is old and well known in the art of utility blades to incorporate a blade with a plurality of anchoring holes (34a and 34b). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Seltzer, Jr. with a blade featuring a plurality of anchoring holes to allow the user to set the blade in specific pre-determined positions and to prevent the blade from rotating when the users applies a torque force to the apparatus.

Burchell teaches that it is old and well known in the art of utility blades to incorporate the gripping portion is angulated with respect to the blade and the blade-supporting portion when viewed in the plane defined by the blade (66). Seltzer, Jr. discloses a gripping portion that moves but does not move out of the blade plane when view in a side view defined by the plane of the blade. Burchell teaches that it is old and well known to rotate that pivot 90 degrees to allow the gripping portion to move in and out of the blade plane. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Seltzer, Jr. with a gripping portion is angulated with respect to the blade and the blade-supporting portion when viewed in the plane defined by the blade, as taught by Burchell, to allow the user to use the blade in situations featuring areas similar to windshield removal.

In regards to claims 4 and 5, Seltzer, Jr. in view of in view of Joanis et al. and Burchell discloses the angulation is from about 135° to about 150° (Fig. 2 in Burchell).

In regards to claim 7, Seltzer, Jr. in view of in view of Joanis et al. and Burchell discloses the locating means is attached to the right side member (inner portion of 22d in Seltzer, Jr.).

In regards to claim 9, Seltzer, Jr. in view of in view of Joanis et al. and Burchell discloses the channel is milled to a width that loosely fits the edges of the knife blade (Fig. 7 in Seltzer, Jr.).

In regards to claims 10-12, Seltzer, Jr. in view of in view of Joanis et al. and Burchell discloses the clamping means comprises at least one bolt (20 in Seltzer, Jr.), the at least one bolt is threaded to the thickness of the left side member (Fig. 7 in Seltzer, Jr.), and the at least one bolt is slidably fitted to the right side member (Fig. 6A in Seltzer, Jr.).

Response to Arguments

4. Applicant's arguments with respect to claims 2, 4, 5, 7, and 9-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

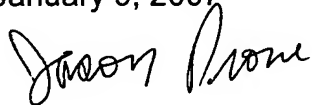
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:00-4:30, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 9, 2007

A handwritten signature in black ink, appearing to read "Jason Prone", written in a cursive style.

Patent Examiner
Jason Prone
Art Unit 3724
T.C. 3700